

REMARKS

Claims 1-25 are pending in the present application.

Claims 1-3, 6, 7, 10, 11, 14, 15, 18, 19, 22 and 23 have been rejected.

Claims 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24 and 25 have been objected to.

No claims have been amended.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the September 20, 2005 Office Action, the Examiner rejected Claims 1-3, 10, 11, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,907,582 to *Yi* (hereinafter, simply "*Yi*"). The Applicant respectfully traverses these rejections.

The Applicant draws the Examiner's attention to the recitation in independent Claims 1, 10, 18 and 22 of a first Turbo encoder with an output coupled to an input of an interleaver, the interleaver having an output coupled to an input of a second Turbo encoder. That is, data is encoded by a first Turbo encoder, the Turbo encoded data is interleaved, and the interleaved Turbo encoded data is encoded by a second Turbo encoder. The Applicant respectfully submits that the recited limitations are not disclosed in Claim 16 (relied upon by the Examiner) or in any other part of the *Yi* reference.

Claim 16 of the *Yi* reference, with reference characters from Figure 3 added, recites a first turbo encoder (134) encoding digital source information (d_k) into a first code sequence (Y_1), an interleaver (132) for interleaving the digital source information (d_k), and a second turbo encoder (136) encoding the interleaved digital source information (d_{ki}) into a second code sequence (Y_2).

That is, the first code sequence comprises turbo encoded source data and the second code sequence comprises turbo encoded interleaved source data. Thus, it is clear from both Figure 3 and the language of Claim 16 that the *Yi* reference is teaching a system in which the information input to the interleaver is original source data and not turbo encoded source data, as recited in Claims 1, 10, 18 and 22. As such, the *Yi* reference does not anticipate the Applicant's claimed invention.

Furthermore, the Examiner acknowledged on page 2 of the September 20, 2005 Office Action that *Yi* "does not explicitly teach the terms such as input/output from the interleaver coupled to the convolutional or turbo encoders." In so doing, the Examiner seems to have admitted that all the claimed elements, connected and interrelated as claimed, are not shown in the *Yi* reference. This admission, coupled with the Examiner's subsequent comments on page 2 of the Office Action regarding what is purportedly known and common practice in the art of forward error correction systems, appears to be an informal rejection of Claims 1, 10, 18 and 22 for obviousness.

If the rejection of Claims 1, 10, 18 and 22 is, in fact, an obviousness rejection, the Applicant respectfully requests that the Examiner cite a suggestion or motivation from the prior art to modify the teaching of the *Yi* reference to result in the Applicant's claimed invention, as required to establish a *prima facie* case of obviousness.

Additionally, the Examiner asserts in response to the Applicant's argument that the recitation of first and second Turbo encoders in Claims 1, 10, 18 and 22 is vague, stating '(RSC) encoders could be called as "1st and 2nd encoders" or as "turbo encoders" or "convolutional encoders" etc....' Again, the Examiner appears to be rejecting Claims 1, 10, 18 and 22 informally under 35 U.S.C. §

112, second paragraph, for indefiniteness. In response, the Applicant respectfully submits that a person skilled in the art would not understand the claims' recitation of a "turbo encoder" to encompass RSC encoders or convolutional encoders.

Thus, independent Claim 1 contains unique and novel limitations that are not disclosed, suggested or even hinted at in the *Yi* reference. Also, Claims 2 and 3 depend from Claim 1 and contain all of the unique and novel limitations recited in Claim 1. This being the case, Claims 1-3 are patentable over the *Yi* reference.

The Applicant notes that independent Claims 10 and 18 contain limitations analogous to the unique and novel limitations recited in amended Claim 1. Also, Claims 11 and 19, which depend from Claims 10 and 18, respectively, contain all of the unique and novel limitations recited in Claims 10 and 18. This being the case, Claims 10, 11, 18 and 19 are patentable over the *Yi* reference.

In Section 3 of the Office Action, the Examiner rejected Claims 6, 7, 14, 15, 22 and 23 under 35 U.S.C. 103(a) as being unpatentable over *Yi* in view of U.S. Patent No. 6,397,367 to Park, et al. (hereinafter, simply "*Park*").

The Applicant traversed this rejection in the Amendment After Final Under 37 C.F.R. § 1.116, filed May 2, 2005, however the Examiner made no response to the Applicant's arguments in the Advisory Action mailed August 9, 2005. The Applicant traversed this rejection again in the Amendment and Response Under 37 C.F.R. § 1.114, filed August 29, 2005, however the Examiner again made no response in the September 20, 2005 Office Action.

Independent Claims 6, 14 and 22 recite limitations that are not analogous to those recited in independent Claims 1, 10, 18 and 22. As such, the Examiner's response to the Applicant's arguments regarding the rejection of Claims 1, 10, 18 and 22 is not responsive to the Applicant's traversal of the obviousness rejection of Claims 6, 7, 14, 15, 22 and 23. The Applicant reiterates the request that the Examiner make some response to the Applicant's traversal, so that the Applicant may understand the Examiner's maintenance of the rejection in the face of the traversal.

The Applicant thanks the Examiner for the indication that Claims 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24 and 25 would be allowable if rewritten in independent form including all the limitations of their base claims and any intervening claims. Because the Applicant believes Claims 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24 and 25 depend from allowable base claims, the Applicant has not rewritten Claims 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24 and 25.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

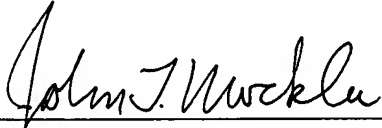
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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